

ESTTA Tracking number: **ESTTA499450**

Filing date: **10/11/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054617
Party	Defendant Y.Z.Y., INC.
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Attachments	2can3.yzy.pdf (2 pages)(31084 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No. 3,504,398
for the mark BIO CLAIRE registered September 23, 2008.

NOUVELLE PARFUMERIE GANDOUR,

Petitioner,

v.

Cancellation No. 92054617

Y.Z.Y., INC.

Respondent.

**RESPONDENT Y.Z.Y., INC.’S ANSWER AND AFFIRMATIVE DEFENSES TO
PETITION FOR CANCELLATION**

COMES NOW, the Respondent, Y.Z.Y., INC. (“YZY”), who respectfully answers the Petitioner’s NOUVELLE PARFUMERIE GANDOUR (“GANDOUR”) petition for cancellation, and states in correspondingly numbered fashion, as follows:

1. Admitted, with the exception of the allegation relating to first use dates which is denied.
2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. Denied.

10. Denied.

AFFIRMATIVE DEFENSES

As its affirmative defenses, YZY asserts the following:

1. GANDOUR lacks standing to assert the petition;
2. GANDOUR cannot assert the petition based upon laches;
3. GANDOUR cannot assert the petition based upon acquiescence;
4. GANDOUR cannot assert the petition based upon abandonment.

Respectfully submitted,

/s/Richard S. Ross, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by United States Postal Service first class regular mail on this 11th day of October, 2012, and addressed to counsel for the Petitioner as follows:

Scott R. Austin, Esq.
GORDON & REES LLP
200 S. Biscayne Bld., Suite 4300
Miami, Florida 33131

/s/Richard S. Ross, Esq.
Richard S. Ross, Esq.